

To: Pane, Mark[Pane.Mark@epa.gov]; Oldland, Colin[Oldland.Colin@epa.gov]
From: Daly, Eric
Sent: Mon 1/30/2017 4:49:55 PM
Subject: Update on NFB GNBC Renovation - Bid Award

FYI.

GES and I just finished with our Pre-Award meeting with the potential sub, DMyles. The meeting went well, just as hoped. They have already been in contract with the City of Niagara in anticipation of being awarded the contract, are licensed in the City of Niagara and have a good working relationship with the city. They would like to start with permits and possibly install subbase plumbing and pour concrete this week if awarded.

They will perform all work except for mechanical. They have multiple prices from mechanical contractors they work with and pricing in their bid has this accounted for.

They did account for the "Brand Name" products identified in Amendment 003. They have already pre-priced the HVAC unit and lead time. Material Submittal requirements are not a problem and they can provide within a couple of days after award.

They have a vast experience doing jobs requiring prevailing wages and this will not be an issue to submit weekly certified payroll. They will also provide utilization reports weekly.

All in all, these guys had all the right answers and documents to support. They stated that this is a slow time for them and they will concentrate their personnel on this project.

From: Pane, Mark
Sent: Monday, January 30, 2017 10:00 AM
To: Daly, Eric <Daly.Eric@epa.gov>; Oldland, Colin <Oldland.Colin@epa.gov>
Subject: RE: GNBC Renovation - Bid Tab

Eric,

There appear to be several red flags with this subcontractor which you have documented nicely. They did not submit a complete bid package on time and they appear to have technical challenges with performing the work and communicating with GES. Provided the IFB did not indicate the award would be based solely on price, as the OSC, you can make the call as the best value for this award. In any case, I would include your documentation on their shortcomings in the package submitted for the winning bidder.

Mark

From: Daly, Eric
Sent: Saturday, January 28, 2017 9:49 AM
To: Oldland, Colin <Oldland.Colin@epa.gov>
Cc: Pane, Mark <Pane.Mark@epa.gov>
Subject: Re: GNBC Renovation - Bid Tab

It's in the bid that was attached earlier. I believe it was \$98k-\$160K

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin
Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
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On Jan 28, 2017, at 7:21 AM, Oldland, Colin <Oldland.Colin@epa.gov> wrote:

One additional question...what is the price range of this subcontract?

"Mark" Colin Oldland

U.S. EPA

(908) 420-4453

Sent from my iPhone

On Jan 27, 2017, at 9:17 PM, Daly, Eric <Daly.Eric@epa.gov> wrote:

Thank Mark O. I will wait to see what Mark P. has to say and then go from there. We will most likely wait until Tuesday morning. Below is GES take on the situation working off of what I wrote earlier.

- Requested acknowledgement of receipt of all amendments issued by GES.

Jim stated, "yes I received all 86 pages and I am sure all documents requested were signed and submitted". The issue we have with this is, (1)he submitted the bid to Bill at the GNFB office, not to GES (2) his bid package was incomplete, the amendment acknowledgement pages were not included. These papers were not submitted until today at 12:59, again by GNBC personnel. The reason given was, Jim had to verify something in the office space, was let in to the office space by Bill, then asked if Bill could scan the papers and email. Jim stated he does not like to use email and if we were to email him to follow up with a text message.

- Asked if he had issues with the Material Submittal requirements stated in the RFP.

Jim's response was "no problem just give me a list of the items you need submittal on". Obviously little attention was paid to the spec book or even the drawings which include some of that information. There were other comments that stem from this question that add to the concern with P&D. There was mention by Jim about the HVAC system being tied back into the old unit and he seemed unaware that the office space is to have a new HVAC unit solely dedicated to this space. He seemed confused with this concept and stated, "that is fine just tell me how or what you want". I am afraid that cost for this may become an issue down the road even though he is stating bid estimate will remain the same. Unrelated, he also mentioned that in the spec book it states no deviation from plans without architect approval, not sure why this was mentioned but it seems to me that there may have already be some talk between the architect, GNBC and P&D about possible changes. Not making any accusations, just my gut feelings.

- Jim asked about the permitting process.

I explained that even though P&D (if selected) was a sub-contractor to GES the City of Niagara is requesting that they and any sub-contractor they would get would have to file for the permits accordingly. Jim told us that he does not work in this area and has just applied for a license to work in Niagara Falls. He is currently waiting for it to be issued. We are concerned that this may cause a delay in P&D starting the reconstruction of the office. To back up our concerns, Jim also stated that the timeline he submitted will also have to be pushed back. He made reference to needing to order the doors and installing before being able to start. Not sure why that would delay starting, I don't think you want to install doors before pouring the concrete floor or roughing in walls. Just another concern. It was pretty simple to see that he has no plans on sticking to his proposed timeline. Even made the comment that he really does not like to work at this time of year but is doing this as a favor for Bill at GNBC.

- I asked Jim if he and his potential subcontractors were aware and able to provide the proper certified payroll for their employees.

Jim asked if we could provide him with certified payroll forms or a format and he would give to his sister-in-law to fill out. He stated that they are a family owned business and the sister-in-law is the one who does payroll. He stated that they do not do many jobs requiring prevailing wages and one he does remember about they had difficulty in properly classifying job task as to which did or did not require prevailing wages and just paid everyone on the job the fringe benefits.

From: Oldland, Colin
Sent: Friday, January 27, 2017 8:57 PM
To: Daly, Eric <Daly.Eric@epa.gov>
Cc: Pane, Mark <Pane.Mark@epa.gov>
Subject: Re: GNBC Renovation - Bid Tab

Eric,

I took a quick look at your concerns and have a couple thoughts. Initially missing the deadline alone would've allowed GES to move forward with another sub however since as I understand it you provided them opportunity to complete their bid package I suggest going that route may now be a bit dicey. With that said the other factors may be cause to disqualify based upon technical merit depending upon how the solicitation is written. I'm off Monday but if it's critical I can take a call to discuss it further otherwise I'm in the office Tuesday. Mark Pane might have some different thoughts or guidance in which case I would defer to his better judgement.

"Mark" Colin Oldland

U.S. EPA

(908) 420-4453

Sent from my iPhone

On Jan 27, 2017, at 5:44 PM, Daly, Eric <Daly.Eric@epa.gov> wrote:

Good Afternoon:

I wanted to get both of your input on contractor selection if I could. I want to make a decision on the award early next week. Attached is the construction sub bid package. Normally we have more simple subs and the low bid usually wins. However, in this situation we have a sub that is an acquaintance to the GNBC, P&D Construction. Beside the low bid price, there is nothing that we like with this contractor. Below are my list of reasons. I would just like your opinions on how to justify selecting the DMYLES Inc. I would obviously want to save as much money as possible but below are the reasons I want to go with the second lowest bid proposal.

- P&D never attended the scheduled site walk. We were informed that they were away and that they conducted with GNBC.
- P&D doesn't check email or submit anything electronically. Amendments to the bid packages were never signed and submitted by the 01/26/2017 due date. Then we received a partial amendment package with no signature pages from GNBC and not P&D directly. We are 200 yards away from GNBC. The sub should be contacting GES directly and not passing partial paperwork off to GNBC to email to us.
- We eventually contacted P&D today, 01/27/2017 to complete their paperwork in person at the trailer. A guy named Jim (Paul was the owner on the paperwork) just showed at 4 PM today.
 - o The representative appeared to have no concept of the blueprints, spec sheets, overall work that needed to be conducted.
 - o Informed us that P&D doesn't have a license to perform work in Niagara Falls but sent in paperwork to the city.
 - o Talked about tying the heating system into the existing heating system (Which is not part of the bid package/spec book).
 - o Indicated he was only doing this as a favor to Bill (GNBC president).
 - o Already talked about pushing back the schedule (He never submitted a schedule)
 - o Part of the reason he gave for a delayed start was that he had to put the

window and doors in first. When you have to install a concrete floor into a building, you do not install the door/door frame first.

- o At one point he acted as if we were going to reassess the cost on this fixed price contract.
- o The other bid proposals had professional write ups. Organized schedules. The second lowest bid works in Niagara.

I believe this is more than enough reason to justify between us but I wanted some assistance on the official wording on the decision. Please advise. Thanks and have a good weekend

From: Francisco Rodriguez [<mailto:frodriguez@gesoncall.com>]
Sent: Friday, January 27, 2017 4:26 PM
To: Daly, Eric <Daly.Eric@epa.gov>
Subject: FW: GNBC Renovation - Bid Tab

Frank Rodriguez
Response Manager

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From: Robert Smith
Sent: Thursday, January 26, 2017 4:10 PM
To: Francisco Rodriguez
<frodriguez@gesoncall.com<<mailto:frodriguez@gesoncall.com>>>
Cc: Carlton Reece <creece@gesoncall.com<<mailto:creece@gesoncall.com>>>
Subject: GNBC Renovation - Bid Tab

Ok Frank. This is a big file. I don't know if it will come through.

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<NFB Bid Tab with Bids.pdf>